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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,089	09/16/2002	Warren G. Hall	012438.04	4152
24239	7590	02/17/2004		
MOORE & VAN ALLEN, PLLC 2200 W MAIN STREET SUITE 800 DURHAM, NC 27705				
			EXAMINER LEE, HWA C	
			ART UNIT 2672	PAPER NUMBER

DATE MAILED: 02/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,089

Applicant(s)

HALL ET AL.

Examiner

Hwa C Lee

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

1. This office action is in response to the application filed on 09/16/2002, with Warren G. Hall and William L. Young as the Inventors.
2. The application is entitled: "METHOD AND SYSTEM FOR REMOTELY PROVIDING USER DEFINED CUTTING FILES FOR CNC ROBOTIC TOOLS".
3. Claims 1-20 are pending in the application, with claims 1, 4, 6, 11, 17, AND 18 being independent claims. No amendments have yet been added to the application.

Claims

4. The prior art referenced to make the respective claim rejection is attached enclosed by ().

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al., U.S. Patent No., 6,389,322.

7. In regards to claim 1, Park et al. discloses the following limitation.

A method for providing a cutting file for a computer numerical control robotic tool to a customer, the method comprising the steps of:

- Park et al. discloses the method of manufacturing a cover for an article in the form of a computer readable template, which includes instructions for all aspects of design and manufacturing the cover. The said instructions or steps include the means for configuring the cutting machine to cut the portions of the materials used to make the cover (Col. 2, line 19 – Col. 3, line 31). Thus, the method produces a cutting file.
- The customer is given the option to receive the template in order to produce the cover personally (Col. 4, lines 8-20).

(a) providing at a site remote from the customer a generic model for a particular product to be made by the customer;

- Park et al. discloses using the Internet to allow customers to design the furniture covers. The customers are requested to advice the type furniture to be covered. Customers are also shown various styles of furniture an/or manufactures with appropriate photos and drawing (Col. 3, line 32 – Col. 4, line 7). Based on the type of furniture to be covered, “standard” templates are defined by the particular geometric parameters of the

furniture to be covered (Col. 7, line 17 – Col. 8, line 31 and FIGs. 5A-B).

The said standard templates are specifically generic models.

(b) displaying to the customer a representational image of the product corresponding to the particular product and default design parameters for the image;

- Displaying to the customer the photos and drawings as applied to part (a) above is specifically displaying a representative image of the product. In addition, the patterns available to make the cover are displayed along with the profile forms illustrating the dimensions needed to make the cover. Further, sub-menus allow the customer to choose from plurality of options. The said dimensions, and the option sub-menus are specifically default design parameters for the image (Col. 3, line 59 – Col. 4, line 20).
- In addition, Park et al. clearly recites the limitation of archiving the data inputted by the customer in advising the default dimensions, which specifically are default parameters (Col. 4, lines 34-41).

(c) allowing the customer to modify at least one default design parameter and to select final design parameters for the model;

- Part et al. discloses the limitation of allowing the customer to change the dimensions and choosing options using the sub-menus, which specifically is allowing the customer to modify default design parameters. Once, all the design parameters are inputted and selected, the final design

parameters are specifically selected (Col. 2, lines 1-65 and Col. 3, line 59 – Col. 4, line 20).

(d) *receiving data corresponding to the final design parameters at the site remote from the customer;*

- The same basis and rationale for claim rejection as applied to parts **(a)-(c)** above are applied. Receiving user input regarding the final design parameters over the Internet is specifically receiving the said data at a remote site.

(e) *generating at the remote site using the generic model for a particular product a cutting file that incorporates the final design parameters; and*

- The same basis and rationale for claim rejection as applied to parts **(a)-(d)** above are applied. The customer provides changes to default parameters from a remote site, which is used to produce the final design parameter. The template, which is the cutting file, offered to the customer is based on the type of furniture to be covered, which is the generic model.

(f) *making the cutting file available to the customer.*

- Park et al. discloses providing the cutting file to the customer as applied to the preamble above.

8. In regards to claim 2, the same basis and rationale for claim rejection as applied to claim 1 is applied. In addition, the template is displayed on the screen to the customer for verification that all design information has been entered correctly (Col. 9, lines 54-62; Col. 14, lines 19-26; and Col. 18, lines 14-65).

9. In regards to claim 3, Park et al. discloses the following limitations.

The method of providing a cutting file of claim 2, wherein the product comprises a plurality of components, and further comprising the steps of:

- Plurality of templates or portions of covers are adjoined to make the final product (Col. 3, lines 53-58).

(a) generating a representational image of at least one individual component of the product;

- The plurality of templates as applied above in the preamble of claim 3 are representational images of individual components of the product.

(b) displaying the at least one individual component image; and

- The same basis and rationale for claim rejection as applied to claim 2 are applied.

(c) allowing the customer to specify tool-related data.

- Based on the customer's design specification, the automatic cutting machine configuration (Col. 3, lines 1-2 and Col. 18, lines 22-54) is determined. In addition, stitching instruction option is chosen by the customer (Col. 4, lines 8-11; Col. 12, lines 19-34; and Col. 14, lines 27-41) based on the design parameters regarding the dimensions and fabric type selected.

10. In regards to claim 4, Park et al. discloses the following limitations.

The method for providing a cutting file of claim 1, wherein the step of making the cutting file available to the customer comprises transmitting the cutting file to the customer from a memory system.

- Park et al. discloses the limitation of a computer readable medium for making and storing the template (Col. 2, line 19 – Col. 3, line 9) and a computer system with plurality of memory for storing the computer program (Col. 9, lines 54-67). In addition, templates (the cutting files) are adjusted based on stitching instructions (tool related data) and stored (Col. 12, lines 19-67).
- Park et al. discloses archiving the templates with all design parameters and providing it to the customer at a later date (Col. 4, lines 34-47).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 5-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. in view of Fischer, U.S. Patent No., 6,675,055.

14. In regards to claim 5, Park et al. discloses the limitation of storing the cutting file for providing it to the customer at a later time as applied to claim 5 above but does not disclose the limitation of allowing the customer to access the stored cutting file over the communication network. Fischer discloses the said limitation.

- Fischer discloses the method of allowing the customer to interactively create designs using a web site, whereby the customer can determine design parameters. The method generates customer viewable models and drawings, manufacturing drawings, bill of materials, machine tool parameters, and everything else needed manufacture the desired product system (Col. 2, lines 36-56).
- Fischer also discloses the limitation of allowing the customer to log onto the network using the Internet to design the cutting file (Col. 6, lines 38-65): Once logged onto the network, a new design system (the cutting file) can be configured or the saved file can be accessed by the customer (Col. 7, lines 11-32).

15. It would have been obvious to one of ordinary skill in the art to take the teachings of Park et al. and to add from Fischer the method of allowing the customer to access the cutting file over the communication network in order to provide to the customer the flexibility to create and save the cutting file. The customer can log onto the network to create the desired cutting file by designating the design parameters from a remote

location, and thus the process is not location dependent. Once the final cutting file is configured, the customer can select to purchase the file or to save the file for editing or purchasing the file at a later time. In addition, both references are directed to creating custom cutting file, whereby the customer can input the necessary design parameters from a remote location by logging onto the network over the Internet.

16. In regards to claim 6, the same basis and rationale for claim rejection as applied to claims 1 and 5 are applied.

17. In regards to claim 7, both Park et al. and Fischer discloses the following limitation.

The method of providing a cutting file of claim 1, further comprising the step of executing a financial transaction in which the customer purchases the cutting file in advance of making the cutting file available to the customer.

- Park et al. discloses the limitation of requesting payment option prior to allowing the customer to order the cutting file (Col. 4, lines 21-26).
- Fischer discloses the limitation of providing to the customer a quote and then allow the customer to process an order (Col. 7, lines 43-53).

18. In regards to claim 8, the same basis and rationale for claim rejection as applied to claim 7 are applied. The financial transaction system disclosed by both Park et al. and Fischer uses public communications network.

19. In regards to claims 9 and 10, the same basis and rationale for claim rejection as applied to claims 1-8 above are applied. The computer system used to process the

method of generating the cutting file as disclosed by Park et al. is specifically an apparatus for providing a cutting file.

20. In regards to claim 11, the same basis and rationale for claim rejection as applied to claims 2 and 10. In addition, Fischer discloses displaying to the customer the final representational image (Col. 14, lines 22-67).

21. In regards to claim 12, the same basis and rationale for claim rejection as applied to claims 3 and 11 are applied. In addition, Fischer discloses the limitation of generating and displaying at least one individual component of the product to the customer and to allow the customer to specify tool-related data. In configuring the entire system, each subsystem, which is specifically individual component of the product, is specified and displayed to the customer as sectional views (Col. 9, line 24 – Col. 14, line 21).

22. In regards to claims 13-15, the same basis and rationale for claim rejection as applied to claims 4-6 and 9-10 are applied.

23. In regards to claims 16 and 17, the same basis and rationale for claim rejection as applied to claims 7-10 are applied.

24. In regards to claim 18, the same basis and rationale for claim rejection as applied to claims 1-10 above are applied. The computer program stored in memory is used to process the method of creating the cutting file.

25. In regards to claim 19, the same basis and rationale for claim rejection as applied to claims 2, 11, and 18 above are applied.

26. In regards to claim 20, the same basis and rationale for claim rejection as applied to claims 3, 12, and 18 above are applied.

27. In regards to claims 21-23, the same basis and rationale for claim rejection as applied to claims 13-15 and 18 above are applied.

28. In regards to claims 24-25, the same basis and rationale for claim rejection as applied to claims 16-17 and 18 above are applied.

29. In regards to claim 26, the same basis and rationale for claim rejection as applied to claims 1, 12 and 18 are applied. In addition, Fischer discloses the limitation of customer viewable models and drawings (Col. 2, lines 42-56) and catalogs that list available items, which specifically are generic models. The customer is also allowed to access the archive database (Col. 7, lines 11-32).

30. In regards to claim 27, the same basis and rationale for claim rejection as applied to claims 4-5 and 26 are applied. The programs are saved on plurality of memory media as disclosed by Park et al., and the method of accessing a plurality of network systems is disclosed by both Park et al. and Fischer.

31. In regards to claim 28, the same basis and rationale for claim rejection as applied to claims 18 and 26 above are applied. The computer program as applied to claims 4, 18 and 26 is specifically a computer readable memory system encoded with a data structure.

32. In regards to claim 29, the same basis and rationale for claim rejection as applied to claim 28 above are applied.

33. In regards to claim 30, the same basis and rationale for claim rejection as applied to claims 19 and 29 above are applied.

34. In regards to claim 31, the same basis and rationale for claim rejection as applied to claims 20 and 29 above are applied.

35. In regards to claims 32-34, the same basis and rationale for claim rejection as applied to claims 21-23 and 29 above are applied.

36. In regards to claim 35-36, the same basis and rationale for claim rejection as applied to claims 24-25 and 29 above are applied.

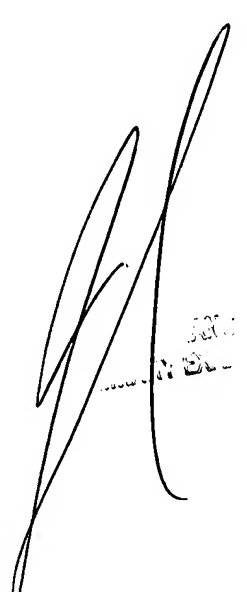
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwa C Lee whose telephone number is 703-305-8987. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 703-305-3885. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

HCL

A handwritten signature in black ink, appearing to be 'HCL', with a large, stylized flourish extending upwards and to the right.

Hwa C Lee
Examiner
Art Unit 2672